

111TH CONGRESS
1ST SESSION

H. R. 1309

To codify the definition of terms used in subheading 1604.14 of the Harmonized Tariff Schedule of the United States, relating to tuna products.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2009

Mrs. NAPOLITANO (for herself and Mr. BILBRAY) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To codify the definition of terms used in subheading 1604.14 of the Harmonized Tariff Schedule of the United States, relating to tuna products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 (1) Tuna fish canning is a vital industry to the
5 United States.

6 (2) To promote United States production, Con-
7 gress has imposed higher tariffs on shelf-stable, re-
8 tail ready tuna fish products than on raw or inter-
9 mediate fish products.

1 (3) According to the original intent of Con-
2 gress, the term “in airtight containers”, as con-
3 tained in subheading 1604.14 of the Harmonized
4 Tariff Schedule of the United States, has only cov-
5 ered products in packages that are not permeable to
6 air and that are presented as a finished product for
7 consumption in shelf-stable containers (cans, glass
8 jars, and foil pouches).

9 (4) Congress seeks to codify the terms “in air-
10 tight containers” and “in bulk or in immediate con-
11 tainers weighing with their contents over 6.8 kg
12 each”, as provided for in subheading 1604.14 of the
13 Harmonized Tariff Schedule of the United States, to
14 reflect existing practice and promote public health
15 and safety.

16 **SEC. 2. DEFINITIONS.**

17 (a) DEFINITIONS.—The Additional U.S. Notes to
18 chapter 16 of the Harmonized Tariff Schedule of the
19 United States are amended by adding at the end the fol-
20 lowing:

21 “4. For purposes of subheading 1604.14, the term
22 ‘in airtight containers’ means containers that—

23 “(a) are heat sealed, and none of the contents
24 have been pinched in the seal; and

1 “(b) have an oxygen transmission rate of less
2 than 1 ml per square meter in 24 hours in a dry
3 state at 20° Celsius.

4 “5. For purposes of subheading 1604.14, the term
5 ‘in bulk or in immediate containers weighing with their
6 contents over 6.8 kg each’ includes product that is shipped
7 in plastic bags that are not airtight, or similar inter-
8 mediate containers, that are stacked in layers and placed
9 on pallets, or similar bulk containers, as long as the entire
10 pallet, or similar bulk container, with their contents weigh
11 over 6.8 kg.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) applies to goods entered, or withdrawn from
14 warehouse for consumption, on or after the 15th day after
15 the date of the enactment of this Act.

○